AN OPEN LETTER TO THE MICHIGAN LEGISLATURE FROM CHARLES LEWIS

To the Michigan Legislature, thank you for taking time to listen to me. My name is Charles Lewis, I'm a fifty year old black male that has been locked up for the past THIRTY-THREE years. I was a seventeen year old high school student attending Finny high school on August 1, 1976 when I was arrested. I was charged with the attempted robbery and attempted murder of Raymond Cassabon. I was also charged with the murder of Gerald Swpitkowski. I am completely factually and legally innocent. I didn't commit any of the crimes that I was chared with.

On July 31, 1976 I was at the local 212 on stage playing with the band "Pure Pleasure." Roderick Brewer picked me at 7:00PM and we headed to the local 212. We went to the side entrance and signed a log book that a security guard had then we went inside and began setting up for our show with the rest of the band.

The band consisted of Anthony Willims, Aaron McCartney, Otis Milliams, Charles Jackson, Henry Taylor, Michael Hollis, Roderick Brewer and myself. We finished setting up for the show at 8:30 and headed to the dressing room to get ready for our first set. We hit the stage at 9:00 and played till 10:30 straight. We went to the dressing room at 10:30 and changed into our dress set. We hit the stage again at 11:00 and played until 12:30. We left the stage and went to the dressing room to prepare for our last set. Our last set started at 1:00 and ended at 2:45. When the crimes that I was convicted of committing happened I was on stage in front of a thousand of people.

I was charged with the attempted robbery and attempted murder or Raymond Cassabon, a pizza delivery driver. I was charged with attempted robbery and

attempted murder before Raymond Cassabon ever made a statement to the police. To be more precise, to this day Raymond Cassabon has not made a statement to the police regarding an attempted robbery or an attempted murder. Why is that important to note? It is important to know that Raymond Cassabon has never to this day made a statement because the police are not psychic. The police do not consult a crystal ball and then bring criminal charges. When crimes occur people inform the police and the police take their statements and those statement become the basis of criminal charges. In this case I was charged before the alleged victim made a statement.

I was also charged with the murder of an off duty Detroit Police Officer, Gerald Swpitkowski. When you hear that the deceased was a police officer you cringe. You automatically assume that I must be guilty because I was accused of murdering a police officer. You automatically assume that I must be some kind of psychotic monster.

Here are the facts. On July 31, 1976 Dennis Van Fleteren, the best friend, and partner of Gerald Swpitkowski testified that he was talking to his partner Gerald Swpitkowski when Leslie Nathanial drove next to him in a white Mark IV with his lights out and shot and killed Gerald Swpitkowski. Jay Smith testified that he was doubled parked on Harper and looked in his rear view mirror and saw the shot that killed Gerald Swppitkowski come from the driver's side of a white Mark IV. Kim Divine testified that she was the passenger in the front seat of Jay Smith's car when she heard a loud shotgun blast, turned and saw a white Mark IV speeding towards them.

I was convicted of both of those crimes because fifteen year old Jeffrey Mulligan, sixteen year old Mark Kennedy and sixteen year old Ronald Pettway all testified that we committed the crimes. None of the three juveniles were seen by anyone on the scene but them. And, all three juveniles received immunity for

their testimony. So, why did the jury accept the testimony of three juveniles over a decorated police officer who was also the partner of the deceased and convict me? Here is what the judge had to say to the jury:

Following the instructions I am about to give you you will go to the jury room to deliberate and decide on your verdict. Remember that you are sworn to deliberate and decide this case justly.

Now the information or formal charge in this case reads as follows: the People of the State of Michigan against charles Lewis. The date of the offense is alleged to be July 31, 1976, on Harper street east of Barrett in the City of Detroit and it alleges that Charles Lewis while in perpetration or attempt perpetration of a robbery did kill and murder one Gerald Swpitkowski contrary to the statute in such case made and provided and against eh peace and the dignity of the People of the State of Michigan.

Now you have heard evidence tending to show that the Defendant, Charles Lewis, was guilty of another shooting in the course of an attempt armed robbery for which he is now on trial here.

As you can see the judge instructed the jury to find me guilty, my lawyer argued to the jury that I was guilty and the prosecutor argued to the jury that I was guilty. So, what other verdict could the jury have returned?

Because I didn't have any money to hire a lawyer, the State graciously agreed to appoint a lawyer for me. The trial judge, an ex Detroit Police Officer, Joseph E. Maher, appointed seventy year old Arthur Arduin to represent me. Arthur Arduin was a seventy year old, Italian, mob fix it lawyer. Here is

what Arthur Arduin argued to my jury in the murder case:

...So anyway, this was a gang, this gang wasn't a social or an ice cream club. This gang was out to do things to benefit themselves. There's no doubt about it. This wasn't a social club at all. They even admitted that they had gang fights, they even admitted that they would use this gun, if necessary, another gun to protect themselves.

I think I have said enough and I think I have made my point. I think I have raised in your minds a reasonable doubt. I'm going to close by saying to you that if you find this man guilty on this evidence without being certain, without having any information at all, or any testimony; certain testimony as to who pulled the trigger, as to who had the gun, if you do find this gentleman here, who is a young lad, in the prime of his life—when I say to you that when you come back with your verdict find Jeffrey Mulligan guilty, find Ronald Pettway guilty, and find Mark Kennedy guilty and include that in your verdict when you find Mr. Lewis guilty, if you do.

Imagine being on trial for your life for a murder that you didn't commit, a murder that a police officer testifies that someone else committed and your lawyer does not mention that to the jury. Arthur Arduin didn't mention the testimony of Officer Dennis Van Fleteren because the murder of Officer Gerald Swpitkowski was a mob hit. This case is a blatant example of what happens to juveniles when they enter the adult system.

There is no standard of representation that a lawyer must meet when he is representing a juvenile. The courts turn a blind eye to the gross misrepresentation of juveniles. This is the only country in the civilized world that treats children like adults in the criminal justice system.

My point is that most juveniles end up in prison for crimes that they didn't commit or crimes that are much higher than was they committed because juveniles get the worst lawyers in the system. When you have a bad lawyer, even when you are blatantly innocent, you fall thorough the cracks. Now you must ask yourself why would a judge appoint a seventy year old, fix it MOB lawyer to represent a seventeen year old black male? The lawyer that represented me only tried twenty cases in forty years of practice. There was a ballistics expert that did a report on how the crime occurred, his report came up missing and he was not allowed to testify. My lawyer never objected.

If you are serious about the plight of children caught up in the adult criminal justice system and you don't want to see a fifteen, sixteen or seventeen year old child spend his life in prison you have draft legislation that addresses the quality of representation that juveniles receive when they enter the adult criminal justice system. LAWYERS Should be RATED by Age, Experience, and time